

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CHRISTOPHER EVAN EASTER

PLAINTIFF

v.

CIVIL ACTION NO.: 1:20-CV-254-GHD-DAS

**ITAWAMBA COUNTY, MISSISSIPPI;
SHERIFF CHRIS DICKINSON, Individually
and in his Official Capacity as Sheriff of
Itawamba County, Mississippi; ITAWAMBA
COUNTY SHERIFF'S DEPARTMENT; and,
JOHN DOES 1-10, Individually and in Their
Official Capacities as Officers of Itawamba
County, Mississippi**

DEFENDANTS

**MOTION FOR JUDGMENT ON THE PLEADINGS
FOR CERTAIN FEDERAL CLAIMS AND DEFENDANTS**

NOW COME DEFENDANTS, by counsel, and move pursuant to Fed. R. Civ. Proc. 12(c) for Judgment on the Pleadings seeking dismissal of non-entity defendant **ITAWAMBA COUNTY SHERIFF'S DEPARTMENT**, duplicate official defendant **SHERIFF CHRIS DICKINSON**, and dismissal of named individual defendant **SHERIFF CHRIS DICKINSON**, and dismissal of any claim under the 8th Amendment for this pre-trial detainee Plaintiff, to-wit:

1. BASIS FOR RELIEF

- A. A sheriff's department is not a cognizable entity under state or federal law.
- B. Ample legal authority exists for cleaning up the pleadings by dismissing duplicate official defendants.
- C. Plaintiff Easter merely sues Sheriff Dickinson individually without alleging any direct participation in a violation of rights protected under the United States Constitution.
- D. Plaintiff Easter alleges he is a pretrial detainee, making claims premised upon the

8th Amendment inapplicable.

E. Plaintiff Easter alleges he is a pretrial detainee making claims premised under state law clearly futile under the MTCA.

2. AUTHORITIES

As required by ULR 7.2(d), an appropriate memorandum of supporting authorities is filed herewith.

NOW, THEREFORE, Defendants pray as follows:

1. That the Itawamba County Sheriff's Department be dismissed;
2. That duplicate official defendant Sheriff Dickinson be dismissed;
3. That Sheriff Dickinson be dismissed in his individual capacity;
4. That Plaintiff Easter's theory of relief under the 8th Amendment be dismissed; and,
5. That Plaintiff Easter's state law claims, if any, be dismissed as well.

FILED this the 16th day of April, 2021.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ Daniel J. Griffith
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CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendants, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion for Judgment on the Pleadings* to be delivered by the ECF Filing System which gave notice to all counsel of record who have appeared herein.

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DATED this 16th day of April, 2021.

/s/ **Daniel J. Griffith**
Daniel J. Griffith